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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8931

UNITED STATES OF AMERICA, Plaintiff, v. Javier FREGOZO Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about November 16, 2007, within the Southern District of California, defendant Alejandro FREGOZO, Javier did knowingly and intentionally import approximately 48.08 kilograms (105.77 pounds) of Marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Sara Galvan ICE Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS NINENETEENTH, DAY OF NOVEMBER 2007.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Sara Galvan, declare under penalty of perjury, the following is true and correct:

On November 16, 2007, Javier FREGOZO entered the United States through the Calexico, California West Port of Entry. FREGOZO was the driver and sole occupant of a 1986 Ford Bronco.

FREGOZO claimed to Customs and Border Protection Officer (CBPO) D. Pizano that he had borrowed the vehicle from his friend. FREGOZO gave CBPO Pizano a negative Customs declaration and was then referred to vehicle secondary for further inspection.

In secondary, CBPO Carp asked FREGOZO who the vehicle belonged to and he responded it was his friend's, Juan De La Barrera. It was later confirmed that such name is the name of the street were the vehicle is registered to, not the name of a person. During the interview, CBPO Carp noticed FREGOZO appeared nervous by shifting from side to side and being unable to stand still. CBPO Carp noticed that the inside edge of one of the tire's were the rim and the tire meet was wet indicating it may have been recently mounted. Due to his nervous demeanor and such observations, CBPO Carp escorted him to the vehicle secondary office for a pat down with prior supervisor approval. CBPO Carp removed the rear driver's side tire and felt it unusually heavy. At this time, he contacted Canine Enforcement Officer (CEO) Jones to utilize his HNDD to screen the vehicle. CEO Jones notified CBPO Carp that his HNDD had alerted to the tires of the vehicle.

All tires were removed from the vehicle revealing several packages concealed within all four tires of the vehicle. One of the packages was randomly selected and field-tested resulting positive for marijuana. A total of 28 packages were removed from the vehicle with a net weight of approximately 48.08 kilograms (105.77 pounds) of marijuana.

FREGOZO was placed under Miranda and voluntarily stated that he knew there was contraband concealed in the vehicle he was driving on today's date and that he was going to get paid $1,000.00 USD upon his successful delivery in the United States.

Executed on 11/16/2007 @ 2355 p.m.

SARA GALVAN
SPECIAL AGENT

One the basis of the facts presented in the probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on November 16, 2007 in violation of Title 21, United States Code, Sections 952 & 960.

[signature]
United States Magistrate Judge

11/17/07 @ 11:23 a.m.
November ~~16~~ 17, 2007